

BUSINESS REPORT

**MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION**

SENATE TAXATION COMMITTEE

Date: Thursday, March 26, 2009
Place: Capitol

Time: 11:00 am
Room: 405

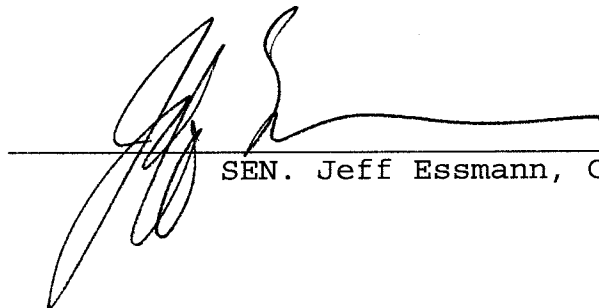
BILLS and RESOLUTIONS HEARD:

None

EXECUTIVE ACTION TAKEN:

SB 179 ~ TABLED
SB 456 ~ TABLED
SB 342 ~ DO PASS AS AMENDED

COMMENTS:



SEN. Jeff Essmann, Chairman

MONTANA STATE SENATE
ROLL CALL
TAXATION COMMITTEE

DATE: March 26, 2009

NAME	PRESENT	ABSENT/ EXCUSED
Chairman Jeff Essmann	✓	
Vice Chair Taylor Brown	✓	
Senator Jerry Black	✓	
Senator Gary Branae	✓	
Senator Ron Erickson	✓	
Senator Kelly Gebhardt	✓	
Senator Kim Gillan		✓
Senator Bradley Maxon Hamlett	✓	
Senator Christine Kaufmann	✓	
Senator Robert Story, Jr.	✓	
Senator Bruce Tutvedt	✓	

ROLL CALL VOTE
TAXATION COMMITTEE
MONTANA STATE SENATE

Date: 3.26.09
Bill No.: SB179

Motion: be amended

NAME (11 Members)	AYE	NO	Proxy
Vice Chair, Taylor Brown		✓	
Senator Ron Erickson	✓		
Senator Bradley Maxon Hamlett	✓		
Senator Kelly Gebhardt		✓	
Senator Bruce Tutvedt		✓	
Senator Christine Kaufmann	✓		
Senator Kim Gillan	✓		✓
Senator Jerry Black		✓	
Senator Robert Story, Jr.		✓	
Senator Gary Branae	✓		
Chairman Jeff Essmann		✓	

VOTE: 5-6 fails

ROLL CALL VOTE
TAXATION COMMITTEE
MONTANA STATE SENATE

Date: 3.26.09

Bill No.: SB179

Motion: DO PASS

NAME (11 Members)	AYE	NO	Proxy
Vice Chair, Taylor Brown		✓	
Senator Ron Erickson	✓		
Senator Bradley Maxon Hamlett	✓		
Senator Kelly Gebhardt		✓	
Senator Bruce Tutvedt		✓	
Senator Christine Kaufmann	✓		
Senator Kim Gillan	✓		✓
Senator Jerry Black		✓	
Senator Robert Story, Jr.		✓	
Senator Gary Branae	✓		
Chairman Jeff Essmann		✓	

Roll Call VOTE: 5-6 fails

ROLL CALL VOTE
TAXATION COMMITTEE
MONTANA STATE SENATE

Date: 3.26.09

Bill No.: SB 456

Motion: DO PASS

NAME (11 Members)	AYE	NO	Proxy
Vice Chair, Taylor Brown		✓	
Senator Ron Erickson	✓		
Senator Bradley Maxon Hamlett	✓		
Senator Kelly Gebhardt		✓	
Senator Bruce Tutvedt		✓	
Senator Christine Kaufmann	✓		
Senator Kim Gillan	✓		✓
Senator Jerry Black		✓	
Senator Robert Story, Jr.		✓	
Senator Gary Branae	✓		
Chairman Jeff Essmann		✓	

*Revised
Table*

VOTE: 5-6 fails

ROLL CALL VOTE

TAXATION COMMITTEE

MONTANA STATE SENATE

Date: 3.26.09

Bill No.: SB 342

Motion: Reconsider SB 342
(Previous table)

NAME (11 Members)	AYE	NO	Proxy
Vice Chair, Taylor Brown	✓		
Senator Ron Erickson		✓	
Senator Bradley Maxon Hamlett <i>charges*</i>	✓	✓	
Senator Kelly Gebhardt	✓		
Senator Bruce Tutvedt	✓		
Senator Christine Kaufmann		✓	
Senator Kim Gillan		✓	✓
Senator Jerry Black	✓		
Senator Robert Story, Jr.	✓		✓
Senator Gary Branae		✓	
Chairman Jeff Essmann	✓		

* - without objection,
 Sen. Hamlett requested
 his vote be changed from "aye" to "No".

VOTE: 7-4
6-5 ↓ final

ROLL CALL VOTE
TAXATION COMMITTEE
MONTANA STATE SENATE

Date: 3.26.09

Bill No.: SB342

Motion: To Pass As Amended

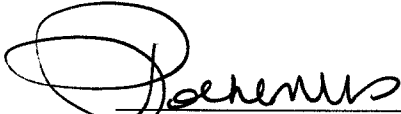

NAME (11 Members)	AYE	NO	Proxy
Vice Chair, Taylor Brown	✓		
Senator Ron Erickson		✓	
Senator Bradley Maxon Hamlett		✓	
Senator Kelly Gebhardt	✓		
Senator Bruce Tutvedt	✓		
Senator Christine Kaufmann		✓	
Senator Kim Gillan		✓	✓
Senator Jerry Black	✓		
Senator Robert Story, Jr.	✓		✓
Senator Gary Branae		✓	
Chairman Jeff Essmann	✓		

VOTE: 6-5

COMMITTEE FILE COPY

TABLED BILL

The **SENATE TAXATION COMMITTEE** TABLED **SB 179, SB 456**, by motion, on **Thursday, March 26, 2009**.


(For the Committee)
(Secretary of the Senate)

1:55 / 3/26
(Time) (Date)

March 26, 2009

Debra L. Polhemus, Secretary

Phone: 4685



SENATE STANDING COMMITTEE REPORT

March 26, 2009

Page 1 of 6

Mr. President:

We, your committee on **Taxation** recommend that **Senate Bill 342** (first reading copy -- white) do pass as amended.

Signed: _____

Senator Jeff Essmann, Chair

And, that such amendments read:

1. Title, line 11.

Strike: "AN IMMEDIATE"

Insert: "A DELAYED"

2. Title, page 12.

Following: the first "DATE"

Insert: ", "

Strike: "AND A RETROACTIVE"

Insert: "AN"

Following: the second "DATE"

Insert: ", AND A TERMINATION DATE"

3. Page 1, line 29.

Strike: "or preschool program"

4. Page 1, line 30.

Strike: "qualifies at or below 150% of"

Insert: "is the child of a household with an income of 150% or less of the eligibility guidelines for"

Strike: "or"

Insert: "and"

Strike: "rate"

Insert: "program"

5. Page 2, line 4.

Strike: "or reduced"

Committee Vote:

Yes 6, No 5

Fiscal Note Required ☐

SB0342001SC.sdr

DR

Insert: "and reduced-price"

Strike: "rates"

Insert: "program eligibility guidelines"

6. Page 2, line 7.

Strike: "or reduced"

Insert: "and reduced-price"

Strike: "rates"

Insert: "program eligibility guidelines"

7. Page 2, line 12.

Strike: "is in the process of becoming accredited"

Insert: "has applied for accreditation or is provisionally
accredited"

8. Page 2, line 13.

Strike: "or other nationally recognized accreditation
association"

9. Page 2, line 21.

Strike: "90%"

Insert: "95%"

10. Page 2, line 22.

Strike: "of their parents' choice"

Insert: "or program"

11. Page 2, line 24.

Following: "school"

Insert: "or group of affiliated schools"

12. Page 2, line 28.

Strike: "90%"

Insert: "95%"

13. Page 3, line 1.

Strike: "eligible private school"

Insert: "qualified school or program"

14. Page 3, lines 2 through 4.

Strike: "maintain" on line 2 through "schools" on line 4

Insert: "provide scholarships to attend a qualified school or
program only to:

(i) students who when granted a scholarship were full-time
public school students; or

(ii) students entering kindergarten or enrolling for the
first time in a school in this state;"

15. Page 3, line 5.

Strike: "\$2,500 in"

Following: "the"

Insert: "following"

Strike: "of each scholarship;"

Insert: "for scholarships for each year listed:

Calendar Year	Amount
2011	\$2,000
2012	\$2,000
2013	\$2,000
2014	\$2,000
2015	\$2,500
2016	\$2,500
2017	\$2,500
2018	\$3,000
2019	\$3,000
2020	\$3,000
2020	\$3,500

16. Page 3, line 6.

Following: "pupil a"

Insert: "transportation"

17. Page 3, line 12.

Strike: "120"

Insert: "60"

18. Page 3, line 23.

Following: "shall"

Insert: ", within 120 days after completion of the student scholarship organization's fiscal year,"

19. Page 3, line 24.

Strike: "by April 15 of each year"

20. Page 4, line 9.

Strike: the first "the private school"

Insert: "a qualified school or program"

Strike: the second "private school"

Insert: "qualified school or program"

21. Page 4, line 10.

Strike: "private school"

Insert: "qualified school or program"

22. Page 4, line 14.

Strike: "private" through "student"

Insert: "parent of an eligible student may not accept one or more scholarship awards from a student scholarship organization"

23. Page 4, line 15 through line 16.

Strike: "school" on line 15 through "scholarship" on line 16

Insert: "qualified school or program for that student"

24. Page 4, line 22.

Strike: "80%"

Insert: "70%"

Strike: "qualified education expenses"

Insert: "charitable donations made to student scholarship organizations"

25. Page 4, line 23.

Following: "individual"

Insert: ", "

Strike: "or"

Following: "household, "

Insert: " or a married taxpayer filing a separate return, "

26. Page 4, line 25.

Strike: "qualified education expenses"

Insert: "charitable donations made to student scholarship organizations"

27. Page 4, line 26.

Following: "taxpayer"

Insert: "or otherwise engages in any attempt to directly or indirectly direct the distribution of the scholarships by the student scholarship organization"

28. Page 5, line 3.

Strike: "\$10.3 million"

Insert: "the following amount"

29. Page 5, line 4.

Strike: "a"

Insert: "the applicable"

Following: "year"

Strike: ". "

Insert: ":

Tax Year	Amount
2011	\$1.75 million
2012	\$2.75 million
2013	\$3 million
2014	\$4 million
2015	\$5 million
2016	\$6 million
2017	\$7 million
2018	\$8 million
2019	\$9 million
2020	\$10 million"

30. Page 5, line 8.

Following: "department"

Insert: "on or before October 1"

31. Page 5, line 10.

Following: "donor."

Insert: "If within 30 days the departments fails to preapprove or deny the request, the request is considered approved."

32. Page 5, line 14.

Following: "(5)(a)"

Insert: "and the donor may not receive the credit"

33. Page 5, line 26.

Strike: "qualified education expense"

Insert: "charitable donation"

Strike: "expenditure"

Insert: "payment"

34. Page 5, line 28.

Following: "program"

Insert: "and to provide scholarships for transportation"

35. Page 6, line 3.

Strike: "80%"

Insert: "70%"

Strike: "qualified education expenses"

Insert: "charitable donations made to student scholarship organizations"

36. Page 6, line 4.

Strike: "80%"

Insert: "the lesser of 70%"

Strike: "\$250,000, whichever is less."

Insert: ":

Tax Year	Amount
2011	\$90,000
2012	\$90,000
2013	\$110,000
2014	\$130,000
2015	\$150,000
2016	\$170,000
2017	\$190,000
2018	\$210,000
2019	\$230,000
2020	\$250,000"

37. Page 11, line 16.

Strike: "on passage and approval"

Insert: "January 1, 2011"

38. Page 11, lines 18 and 19.

Strike: "Retroactive applicability" on line 18

Insert: "Applicability"

Strike: "retroactively" on line 18 through "1-2-109," on line 19

Strike: "2008"

Insert: "2010"

39. Page 11, line 20.

Insert: "NEW SECTION. **Section 13. Termination.** [This act]
terminates December 31, 2020."

- END -

AUTHORIZED SENATE COMMITTEE PROXY

I request to be excused from Taxation Committee
because of other commitments. I desire to leave my proxy vote with:

Christine Kauf Christine Kauf

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT AYE NO

SB 179		
be amended	X	
Do Pass	X	
SB 342		
reconsider		X
DPAA		X

BILL/AMENDMENT AYE NO

Sen. K. Sullivan

(Signature)

K. Gillen

Date 3/26/09

**AUTHORIZED
SENATE COMMITTEE PROXY**

I request to be excused from Taxation committee
because of other commitments. I desire to leave my proxy vote with:

Taylor Brown

Indicate Bill number and your vote Aye or No. If there are amendments,
list them by name and number under the bill and indicate a separate vote
for each amendment.

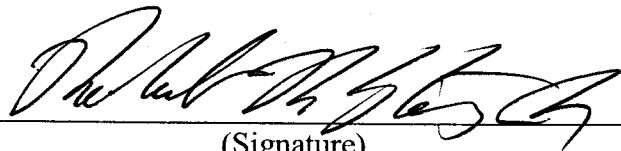
BILL/AMENDMENT

AYE NO

motion to remove SB 342	X	
from the table		
do pass SB 342	X	
as amended		

BILL/AMENDMENT

AYE NO

sen. 
(Signature)

Date 3/26/09

Robt. Story